

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

January 22, 2008

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill entitled "An Act Transferring County Sheriffs to the Commonwealth".

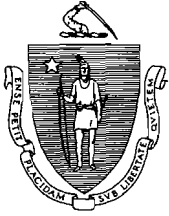
This legislation will promote more efficient government by transferring to the Commonwealth the seven sheriffs who are still county officers. The other seven sheriffs' offices already became state agencies when the Legislature abolished their county governments. This bill will not abolish the remaining seven county governments.

This bill will provide more stable and predictable budgeting for the transferred sheriffs' offices. It will enable bringing them onto the state payroll and accounting systems. It will allow the state Group Insurance Commission to provide their employees' health care, at considerable savings. After the first fiscal year, it will also save municipalities in these counties the portion of the county tax that they now pay to support these sheriffs' offices.

To allow these important efficiencies and savings to begin promptly on July 1 for the new fiscal year, I urge your prompt action to enact this bill.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Governor Deval L. Patrick.



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND **EIGHT**

AN ACT

TRANSFERRING COUNTY SHERIFFS TO THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to transfer county sheriffs to the commonwealth on July 1, 2008, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

Section 1 of chapter 34B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following sentence:- All functions, duties, responsibilities, property and employees of sheriffs in Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties are hereby transferred to the commonwealth under this chapter, as if the governments of those counties had been abolished under this chapter, as of July 1, 2008, and the second, fourth and fifth paragraphs of section 18 shall apply for sheriffs' employees so transferred.

SECTION 2. Section 1 of chapter 64D of the General Laws, as so appearing, is hereby amended by striking out the sentence in lines 17 to 21, inclusive.

SECTION 3. Said chapter 64D is hereby further amended by striking out sections 11, 12 and 13 and inserting in place thereof the following 2 sections: -

Section 11. Except for Barnstable county, there shall be established upon the books of each county the government of which has not been abolished by chapter 34B or other law, a separate fund, maintained separate and apart from all other funds and accounts of each county, to be known as the Deeds Excise Fund. Notwithstanding any general or special law to the contrary, and except for Barnstable and Suffolk counties and all counties the government of which has been abolished by chapter 34B or other law, on the first day of each month, 10.62 per cent of the taxes collected under this chapter shall be transmitted to the Deeds Excise Fund for each county. For Suffolk county, 6.37 per cent of the taxes collected under this chapter shall be transmitted to the Deeds Excise Fund, but after June 30, 2009, all taxes collected under this chapter in Suffolk county shall be transmitted to and retained by the General Fund of the commonwealth. The remaining percentage of taxes collected under this chapter, including all taxes collected under this chapter in Barnstable county and all counties the government of which has been abolished by chapter 34B or other law, but not including the additional excise authorized by section 2 of chapter 163 of the acts of 1988, shall be transmitted to and retained by the General Fund of the commonwealth in accordance with section 10.

Section 12. (a) There shall be within the executive office for administration and finance a county government finance review board, in this section called the board, consisting of the secretary for administration and finance or her designee, the commissioner of revenue or her designee, the secretary of public safety or his designee, the state auditor or his designee and a former Massachusetts sheriff appointed by majority vote of the Massachusetts Sheriffs' Association. The secretary of administration and finance or her designee shall serve as chairperson of the board.

(b) Notwithstanding any general or special law or county charter to the contrary, no annual or supplementary budget of any county shall take effect until reviewed and approved by the board. The board shall not approve any budget of any county unless it is satisfied:

(1) that the estimates of revenue are reasonable and that adequate funding has been provided for all necessary county expenditures;

(2) that, except for Suffolk county, of the amounts deposited in the Deeds Excise Fund for each county from revenues derived under this chapter, (a) not more than 60 per cent of the deposits shall be disbursed and expended for meeting the costs of the operation and maintenance of the county; and (b) not less than 40 per cent shall be disbursed and expended for the automation, modernization and operation of the registries of deeds; but in Suffolk county, that all of the deposits are to be disbursed and expended for meeting the costs of the operation and maintenance of the county; and

(3) that with respect to funds appropriated for the purpose designated in subclause (b) of clause (2) and which are not dedicated to the Deeds Excise Fund in each county under section 11, the submitted proposed budget shall provide a continuing amount of expenditure of not less than 102.5 per cent of the amount expended for that purpose in the preceding fiscal year.

(c) If a proposed budget is disapproved by the board, the county commissioners or any successor body shall, with the approval of the county advisory board, if applicable, and within 30 days of notification of disapproval of the proposed budget, resubmit a revised proposed budget to the board, which addresses the board's concerns.

(d) The board shall develop guidelines for implementing this section.

SECTION 4. Notwithstanding any general or special law to the contrary, in fiscal year 2009 the state treasurer, under section 20 of chapter 59 of the General Laws, shall assess the town of Nantucket and the city of Boston amounts equal to the minimum obligations of Nantucket and Suffolk counties, respectively, to fund from their own revenues in fiscal year 2008 the operations of the office of the sheriff. Notwithstanding any general or special law to the contrary, in fiscal year 2009, Barnstable, Bristol, Dukes Norfolk and Plymouth counties shall appropriate and pay to the state treasurer, on or before November 1, 2008, amounts equal to the minimum obligations to fund from their own revenues in fiscal year 2008 the operations of the office of the sheriff.

The commissioner of revenue shall reduce the fiscal year 2010 assessment limit of Barnstable, Bristol, Dukes, Norfolk and Plymouth counties under section 20A of chapter 59 of the General Laws by amounts equal to the minimum obligations to fund from their own revenues in fiscal year 2008 the operations of the office of the sheriff. In Nantucket county, for fiscal year 2010 and later years, no county assessment may be imposed upon the town of Nantucket under clause (c) of section 2.8 of the Nantucket county charter established by section 4 of chapter 290 of the acts of 1996, except as is incorporated in the proposed county budget submitted to the county government finance review board in accordance with section 12 of chapter 64D of the General Laws, and the Nantucket county commissioners shall certify to that board that any county assessment so incorporated is necessary for the continued operation and maintenance of county government.

SECTION 5. Notwithstanding any general or special law to the contrary, and except for all counties the governments of which have been abolished by chapter 34B or other law, all revenues received with respect to programs, functions or activities of the office of the sheriff

shall be paid to the state treasurer. Any remaining deeds excise or other funds to the credit of the sheriff as of June 30, 2008 shall be paid to the state treasurer, but the county treasurer may pay appropriate fiscal year 2008 sheriff's department obligations after June 30, 2008. Payment of obligations to be charged to the sheriff's fiscal year 2008 budget as approved by the county government finance review board must be within that budget or otherwise be approved by the secretary of administration and finance.

SECTION 6. The division of local services of the department of revenue shall consult the cities of Boston, Chelsea and Revere and the town of Winthrop about the continuing need for a government of Suffolk county, and shall report its recommendations, with the drafts of any legislation, to the secretary of administration and finance and the clerks of the senate and the house of representatives not later than February 1, 2009.

SECTION 7. County commissioners, county sheriffs, county treasurers, county retirement systems, the State-Boston retirement system, and all executive branch agencies and officers shall cooperate with the secretary of administration and finance in effecting the orderly transfer of the county sheriffs to the commonwealth. The secretary may establish working groups as she considers appropriate to assist in the implementation of the transfer.

SECTION 8. This act shall take effect on July 1, 2008.